



JC14 Rec'd PCT/PTD 20 MAR 2001

3-22-C-1

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/423,100
		Filing Date	10/29/99
		First Named Inventor	DR. ZHONG-RU GAN
		Group Art Unit	1798
		Examiner Name	NOT ASSIGNED
Total Number of Pages in This Submission	1	Attorney Docket Number	02016700120

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> <b>RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

RECEIVED

07 JUN 2001

Legal Staff  
International Division

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP FRANK J. MYCROFT, Reg. No. 46,946
Signature	
Date	Mar 20, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 an envelope addressed to: Assistant Commissioner

for Patents, Box PCT, Washington, D.C. 20231 on this date: 3/20/01 Express Mail Label No. EL 769991009US

Typed or printed name	Sunil Dutt		
Signature		Date	3/20/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

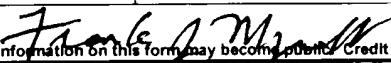
# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0

Complete If Known	
Application Number	09/423,100
Filing Date	10/29/99
First Named Inventor	DR. ZHONG-RU GAN
Examiner Name	NOT ASSIGNED
Group Art Unit	1798
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METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																																																								
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number <b>20-1430</b>  Deposit Account Name <b>Townsend and Townsend and Crew LLP</b> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="5">Other fee (specify) _____</td> <td></td> </tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="10">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</td> </tr> </tbody> </table>					Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description		Fee Paid	105	130	205	65	Surcharge - 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SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	FRANK J. MYCROFT	Registration No. Attorney/Agent)	46,946	Telephone	415/576-0200		
Signature				Date	3-20-2001		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							

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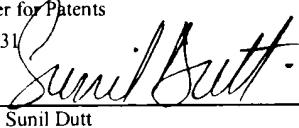
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Date of Deposit March 20, 2001

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Assistant Commissioner for Patents  
Washington, D.C. 20231

By:

  
Sunil Dutt

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Dr. Zhong-Ru Gan  
Appl. No. : 09/423,100  
Filed : October 29, 1999  
Title : CHIMERIC PROTEIN CONTAINING AN  
INTRAMOLECULAR CHAPERONE-LIKE SEQUENCE AND  
ITS APPLICATION TO INSULIN PRODUCTION

Grp./A.U. : 1798  
Examiner : NOT ASSIGNED

Docket No. : 020167-000120US

Honorable Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

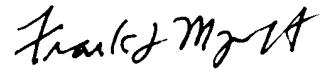
**RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE**

Sir:

Pursuant to a Notification of a Defective Response dated February 22, 2001, Applicant encloses the following:

1. Executed declaration
2. Copy of Notice of Defective Response
3. Return receipt postcard

Respectfully submitted,



Frank J. Mycroft  
Reg. No. 46,946

**Enclosures**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
SF #1202907 v1



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**SUBSTITUTE  
DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number	20167000120
First Named Inventor	ZHONG-RU GAN
<b>COMPLETE IF KNOWN</b>	
Application Number	09/423,100
Filing Date	10/29/99
Group Art Unit	NOT ASSIGNED
Examiner Name	NOT ASSIGNED

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CHIMERIC PROTEIN CONTAINING AN INTRAMOLECULAR CHAPERONE-LIKE  
SEQUENCE AND ITS APPLICATION TO INSULIN PRODUCTION**

the specification of which

*(Title of the Invention)*

is attached hereto

OR

was filed on  
(MM/DD/YYYY)

10/29/99

as United States Application Number or PCT International

Application Number 09/423,100 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
CN98/00052	PCT	03/13/98 PCT	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type or print (+) inside this box → [+]

P-1055A7 (10-02)  
Approved for use between 10/01/2002 - 09/30/2003  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Trademark Registration Act of 1986, any person is required to state the name and address of the inventor unless it appears by itself on a GMB or similar document.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:  Customer Number  
or Box Code Label 20350 OR  Correspondence address below

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Country \_\_\_\_\_ Telephone \_\_\_\_\_ Fax \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made and punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:  A petition has been filed for this unsigned inventorGiven Name **ZHONG-RU** Family Name **GAN**  
or SurnameInventor's Signature **Zhongru Gan** Date **March 17, 2001**Residence: City **Tonghua City** State \_\_\_\_\_ Country **P.R. China** Citizenship **P.R. China**Mailing Address **Tonghua Dong Bao**

Mailing Address \_\_\_\_\_

City **Jilin Province** State **134123** ZIP \_\_\_\_\_ Country **P.R. China** Citizenship **P.R. China**NAME OF SECOND INVENTOR:  A petition has been filed for this unsigned inventorGiven Name \_\_\_\_\_ Family Name \_\_\_\_\_  
or Surname \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: City \_\_\_\_\_ State \_\_\_\_\_ Country \_\_\_\_\_ Citizenship \_\_\_\_\_

Mailing Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_ Country \_\_\_\_\_

 Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/OPA attached hereto.

[Page 2 of 2]

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MAR - 1 2001

WILSON, SONSINI,  
GOODRICH & ROSATI



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Box PCT  
Washington, D.C. 20231

202-707-7000

09/423100  
09/423100

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
		5611	PCT/US97/00002
WILSON, SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1150		INTERNATIONAL APPLICATION NO.	
		IA. FILING DATE	PRIORITY DATE 09/00
		DATE MAILED 02/22/01	

NOTIFICATION OF A DEFECTIVE RESPONSE

1.  The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2.  Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3.  Applicant's response filed 1/22/01 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
- a non-English language.
- English.
- Translation of the international application into English  which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f))  which is insufficient.
- Oath or Declaration of inventors(s).
- in compliance with 37 CFR 1.497(a) and (b).
- not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e))  which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other: Extension

4.  All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 04 Aug 2000) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation

Patricia Booker, Paralegal

Telephone: 703-305-3738

FORM PCT/DO/EO/916 (December 1997)

COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

09/423102  
U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/423,100

USAN

INTERNATIONAL APPLICATION NO. 01710-702

WILSON SONS IN  
GOODRICH & RUSSELL  
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PALO ALTO, CA 94304-1050

5611

PCT/US93/01000

I.A. FILING DATE

PRIORITY DATE

DATE MAILED

10/3/93

00/00/00

02/22/94

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1.  is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2.  does not identify the specification to which it is directed.
3.  does not identify the inventor(s).
4.  does not identify the citizenship of each inventor.
5.  does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1.  does not identify the city and state or city and foreign country of residence or each inventor.
2.  does not state that the person making the oath or declaration:
  - a.  has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b.  acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3.  does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4.  does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

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PPB

FORM PCT/DO/EO/917 (September 1996)

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